

## UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_  
District of New Mexico

United States of America

v.

JAMES C. JOE III*Defendant*)  
)  
)  
)  
)  
)

Case No. 20-1218 KWR

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: \_\_\_\_\_

*Place*

on \_\_\_\_\_

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

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- ☒
- ) (6) The defendant is placed in the custody of:

Person or organization LA PASADA HALFWAY HOUSE

Address (only if above is an organization) \_\_\_\_\_

City and state ALBQ. NM

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

- (
- ☒
- ) (7) The defendant must:

- (
- ☒
- ) (a) submit to supervision by and report for supervision to the
- SUPERVISING OFFICER AS DIRECTED
- ,
- 
- telephone number \_\_\_\_\_, no later than \_\_\_\_\_.

- (
- ☐
- ) (b) continue or actively seek employment.

- (
- ☐
- ) (c) continue or start an education program.

- (
- ☐
- ) (d) surrender any passport to: \_\_\_\_\_

- (
- ☐
- ) (e) not obtain a passport or other international travel document.

- (
- ☒
- ) (f) abide by the following restrictions on personal association, residence, or travel:
- TRAVEL IS RESTRICTED TO BERNALILLO
- 
- COUNTY UNLESS AUTHORIZED BY SUPERVISING OFFICER

- (
- ☐
- ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution,
- 
- including: \_\_\_\_\_

- (
- ☒
- ) (h) get medical or psychiatric treatment:
- MENTAL HEALTH TREATMENT/COUNSELING AS DIRECTED BY SUPERVISING
- 
- OFFICER

- (
- ☐
- ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling,
- 
- or the following purposes: \_\_\_\_\_

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- ☒
- ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers
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- necessary.

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- ☒
- ) (k) not possess a firearm, destructive device, or other weapon.

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- ☒
- ) (l) not use alcohol (
- ☒
- ) at all (
- ☐
- ) excessively.

- (
- ☒
- ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed
- 
- medical practitioner.

- (
- ☒
- ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with
- 
- random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of
- 
- prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and
- 
- accuracy of prohibited substance screening or testing.

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- ☒
- ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or
- 
- supervising officer.

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- ☐
- ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

( ☐ ) (i) **Curfew.** You are restricted to your residence every day ( ☐ ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ☐ ) as  
directed by the pretrial services office or supervising officer; or( ☐ ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services;  
medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other  
activities approved in advance by the pretrial services office or supervising officer; or( ☐ ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and  
court appearances or other activities specifically approved by the court.

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- ☐
- ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program
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- requirements and instructions provided.

( ☐ ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or  
supervising officer.

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- ☒
- ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including
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- arrests, questioning, or traffic stops.

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- ☐
- ) (s) \_\_\_\_\_



**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

*Defendant's Signature**City and State***Directions to the United States Marshal**

- ( ☒ ) The defendant is ORDERED released after processing.  
( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 5/18/2020*Judicial Officer's Signature*

JOHN F. ROBBENHAAR, US MAGISTRATE JUDGE

*Printed name and title*